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Kyle Everett

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

BENJA INCORPORATED,

Debtor.

Case No. 20-30819-DM

Chapter 7

**REQUEST FOR ENTRY OF
ORDER BY DEFAULT GRANTING
CHAPTER 7 TRUSTEE'S MOTION
TO APPROVE COMPROMISE OF
CONTROVERSY WITH JOMBOY
CORP.**

Kyle Everett, Chapter 7 Trustee ("Trustee") of the bankruptcy estate (the "Bankruptcy Estate") of Benja Incorporated ("Benja" or the "Debtor"), hereby files his Request for Entry of Order by Default in support of his *Motion to Approve Compromise of Controversy with Jomboy Corp.* (the "Motion"). This request is supported by the concurrently filed Declaration of Kimberly S. Fineman. In support the request, the Trustee states as follows:

On January 22, 2024, the Trustee filed the Motion and the supporting Declaration of Kyle Everett. ECF Noc. 195 and 196.¹ Also on January 22, 2024, the Trustee filed the Notice and Opportunity for Hearing (the "Notice") relating to the Motion. ECF No. 197. The Notice was

¹ "ECF No." references are to the docket in the above-captioned bankruptcy case.

1 served on creditors in the Court's ECF service list on January 22, 2024 and on creditors listed on
2 the Court's mailing matrix on January 23, 2024. ECF No. 199.

3 The Notice indicated that anyone wishing to object to the proposed stipulation was
4 required to do so by filing and serving a written objection no later than 21 days from the date on
5 which the Notice was served. The Notice further specified the last day for filing and serving
6 objections was February 13, 2024. The Trustee received no objections, and none were filed in
7 the bankruptcy case.

8 Based on the foregoing, the Trustee requests entry of an order approving the Motion and
9 providing as follows:

- 10 1. The Motion, ECF No. 195, is granted.
- 11 2. The Settlement Agreement and Release between the Trustee and Jomboy Corp.
12 (ECF No. 196, Exhibit A) is approved.
- 13 3. Without further Court order, the Trustee is authorized to take those actions that
14 he deems appropriate to implement the relief requested in the Motion and ordered by the Court.
- 15 4. The Court's order is effective upon entry, and the stay otherwise imposed by
16 Federal Rule of Civil Procedure 62(a) and/or Federal Rule of Bankruptcy Procedure 6004(h)
17 shall not apply.

18 Dated: February 14, 2024

FINESTONE HAYES LLP

20 /s/ Kimberly S. Fineman
21 Kimberly S. Fineman
22 Attorneys for Kyle Everett,
23 Chapter 7 Trustee
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